

EXHIBIT D

**IN THE UNITED STATES DISTRICT COURT FOR
THE WESTERN DISTRICT OF PENNSYLVANIA**

DONALD J. TRUMP FOR PRESIDENT,
INC., *et al.*,

Plaintiffs,

v.

No. 2:20-cv-00966-NR

KATHY BOOCKVAR, in her capacity as
Secretary of the Commonwealth of
Pennsylvania, *et al.*,

Defendants,

DECLARATION OF KENNETH L. HUSTON

Pursuant to 28 U.S.C. § 1746, I, Kenneth L. Huston, hereby declare as follows:

1. I have personal knowledge of the matters stated herein and would testify to the same if called as a witness in Court.
2. I am over eighteen years of age and am otherwise competent to testify.
3. I am the President of the National Association for the Advancement of Colored People Pennsylvania State Conference (“NAACP-PSC”). I have held this position since October of 2019.
4. NAACP-PSC is a nonpartisan organization operating in Pennsylvania and is affiliated with the National Association for Advancement of Colored People operating across the United States.
5. NAACP-PSC has approximately 10,000 members in 44 branches across the state.

6. Among other organizational missions, the NAACP-PSC Political Action Committee is dedicated to ensuring that all eligible Pennsylvania citizens are given a full and equal opportunity to exercise their fundamental right to vote.

7. In furtherance of these purposes, NAACP-PSC conducts voter registration, education, and turnout efforts. It also has been involved in voting rights litigation in the Commonwealth and has sought to prevent efforts to suppress or disenfranchise African American voters. NAACP-PSC works in the areas of voter registration, voter education, get out the vote, and grassroots mobilization around voting rights.

8. NAACP-PSC's members include voters of color who are at risk of not being able to vote by mail or absentee ballot if mail ballot drop boxes are eliminated as a result of this litigation, which could leave county boards of elections' offices as the only place at which voters may deliver mail or absentee ballots in person.

9. Some of these affected members of NAACP-PSC will be seniors or have compromised immune systems, or have family members who are seniors or have compromised immune systems. For these affected members, voting in person may not be a realistic option.

10. NAACP-PSC's voter education plans include informing its members and members of the public about the availability and locations of mail ballot drop boxes by various means. The COVID-19 pandemic is greatly impacting the manner in which the NAACP-PSC needs to communicate with communities, particularly communities of color. Those impacts remain ongoing as the pandemic shows no sign of abating.

11. If mail ballot drop boxes are eliminated, NAACP-PSC will not only have to change its messaging to voters of color about the availability of mail ballot drop boxes, but will also have to divert considerable resources from its ongoing election protection, advocacy, and get out the vote

efforts to educate and assist eligible voters. Many impacted voters of color will not be able to vote in person and will not be able to travel to a county board of elections office to drop it off in person but they will nonetheless want to vote by mail or absentee ballot. Many of these voters may not be able to mail their mail or absentee ballots to the county board of elections in time to get it counted.

12. Similarly, if mail ballot drop boxes are eliminated, NAACP-PSC will have to divert its resources to educate voters of color about changes to the mail voting process, and would have to respond to questions from voters who used mail ballot drop boxes for the June primary election in places like Philadelphia or Allegheny Counties and will be confused by the fact that they are no longer available for the November general election.

13. The NAACP-PSC has traditionally provided transportation to the polls for voters on Election Day. NAACP-PSC will have to divert resources to physically transport voters to the county board of elections to drop off their mail or absentee ballots if the Plaintiffs prevail in this case. I am currently in the process of arranging for vans and for voter transportation for the upcoming November general election, but the nature and scope of voter assistance efforts like these will need to change if more voters are completing mail absentee ballots and need help with returning them to the board of elections because they cannot access a drop box.

14. The NAACP-PSC's additional efforts to educate and assist voters attempting to submit mail-in and absentee ballots will divert substantial resources away from traditional voter registration and get-out-the-vote efforts.

15. NAACP-PSC has an interest in preventing the disenfranchisement of eligible voters who wish to vote by mail or absentee ballot in the midst of the COVID-19 pandemic, including its members and voters it may have assisted in navigating the registration process.

16. I declare under penalty of perjury that the foregoing is true and correct.

Executed this 15th day of July, 2020.

/s/ *Kenneth L. Huston*

President Kenneth L. Huston